

FILED IN OPEN COURT
U.S.D.C. - Atlanta

JUL 28 2021

KEVIN P. WEIMER, Clerk
By: *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

UNITED STATES OF AMERICA

v.

NICHOLAS ANTOINE

Criminal Information

No. 3:21-CR-11

THE UNITED STATES ATTORNEY CHARGES THAT:

BACKGROUND

1. The substance N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide is commonly known as butyryl fentanyl, and shall be referred to as "butyryl fentanyl" throughout this Information. Butyryl fentanyl is a Schedule I controlled substance as of May 12, 2016. Prior to that date, it was a controlled substance analogue, as defined in Title 21, United States Code, Section 802(32).

Count One

On or about August 3, 2015, in the Northern District of Georgia, the defendant, NICHOLAS ANTOINE, did knowingly and intentionally possess with the intent to distribute a controlled substance, said act involving a mixture and substance containing a detectable amount of butyryl fentanyl, a Schedule I controlled substance analogue as defined by Title 21, United States Code, Section 802(32), knowing that the substance was intended for human consumption as provided in Title 21, United States Code, Section 813, all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

Forfeiture

Upon conviction of the offense alleged in this Criminal Information, the defendant, NICHOLAS ANTOINE, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853(a), all property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and all property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including, but not limited to, the following:

- a. MONEY JUDGMENT: A sum of money in United States currency equal to the amount of proceeds the defendant obtained as a result of the offenses for which the defendant is convicted.

If, as a result of any act or omission of the defendant, any property subject to forfeiture:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 28, United States Code, 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property or seek a money judgment against said defendant for any amount that would constitute the proceeds of such violation.

KURT R. ERSKINE

Acting United States Attorney

A handwritten signature in black ink, appearing to read 'N. Hartigan', is written over the printed name of Nicholas Hartigan.

NICHOLAS HARTIGAN

Assistant United States Attorney

Georgia Bar No. 408147

600 U.S. Courthouse

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